

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

ESTATE OF WANGSHENG LENG, by
and through administrator, LIPING YANG;
and LIPING YANG, individually,

Plaintiffs,

v.

THE CITY OF ISSAQUAH, ISSAQUAH
POLICE OFFICER M. LUCHT #1201, and
ISSAQUAH POLICE OFFICER KYLEN
WHITTOM, #1210,

Defendants.

No. 2:19-cv-00490-TSZ

JOINT STATUS REPORT

Pursuant to the Court's Minute Order at Docket Number 127, through their undersigned counsel of record the parties jointly submit the following Joint Status Report.

1. What additional discovery, if any, is needed, and when such discovery can be

completed: Plaintiffs would like to propound written discovery requests on the topic of their *Monell* ratification claim, and the parties would like to propound requests for admission to streamline issues for trial.

Such discovery could be completed within 60 days of the filing of this Joint Status Report.

2. When the parties will be prepared to proceed with the *Daubert* hearing (Dkt.

123): If it is acceptable to the Court, the parties would prefer a hearing set after March 1, 2022. Dr. Irving Scher has numerous scheduling conflicts in March and would prefer a hearing during the last week in April (counsel are currently

1 available on April 27th and 28th), if the Court has openings during that period.

2 Counsel are currently unavailable for the following dates:

- 3 • February 22-25, 2022, *People of State of Illinois v. Eruby Abrego* [David B. Owens]
- 4 • March 7-9, 2022, CLE Conference [Brian Augenthaler]
- 5 • March 15-16, 2022, *People of the State of Illinois v. David Wright* [David B. Owens]
- 6 • March 25-April 1, 2022, *People of the State of Illinois v. Frank Burrell* [David B.
- 7 Owens]
- 8 • March 28-29, 2022, Firm Conference [Shannon Ragonesi and Brian Augenthaler]
- 9 • April 7-8, 2022, Innocence Network Conference [David B. Owens]
- 10 • April 11-15, 2022, vacation [Shannon Ragonesi]
- 11 • April 14, 2022, presentation for Washington Parks and Recreation Association [Brian
- 12 Augenthaler]
- 13 • April 18-22, 2022, *Ezequiel Apolo-Albino v. State of Washington* [David B. Owens and
- 14 Harry Williams]
- 15 • May 2-12, 2022, *Aradon v. Snohomish County* [Shannon Ragonesi]
- 16 • May 16-19, 2022, *Sherrer v. Snoqualmie Valley School District* [Shannon Ragonesi]
- 17 • May 19-24, 2022, CLE Conference [David B. Owens]
- 18 • May 21, 2022, presentation for The Mountaineers [Brian Augenthaler]
- 19 • May 24-26, 2022, arbitration [Shannon Ragonesi]
- 20 • June 7-9, 2022, *Petty v. Mercer Island* [Shannon Ragonesi]
- 21 • June 13-23, 2022, *Gutierrez v. South Sound 911* [Shannon Ragonesi]
- 22 • June 13-23, *Novak v. City of Spokane* [Brian Augenthaler]
- 23 • June 20-July 20, 2022, *Taylor v. City of Chicago* [David B. Owens]
- 24
- 25
- 26
- 27

- 1 • July 6-14, 2022, *Anderson v. Seattle School District* [Shannon Ragonesi]
- 2 • July 11-21, 2022, *Lin v. University of Washington* [Brian Augenthaler]
- 3 • July 25-August 4, 2022, *Easterday v. University of Washington* [Brian Augenthaler]
- 4 • July 18-28, 2022, *Harrison v. Seattle School District* [Shannon Ragonesi]
- 5 • August 1-11, 2022, *Dold v. Snohomish County* [Shannon Ragonesi]
- 6 • August 18-23, 2022, International Travel [David B. Owens]
- 7 • August 22-26, 2022, trial [Harry Williams]
- 8 • August 22-26, 2022, vacation [Shannon Ragonesi]
- 9 • GAP
- 10 • September 12-15, 2022, *McIlveen v. University of Washington* [Brian Augenthaler]
- 11 • September 19-October 6, 2022, *Knab v. Crystal Mountain* [Brian Augenthaler]
- 12 • September 19-29, 2022, *Carlson v. Cash* [Shannon Ragonesi]
- 13 • October 3-6, 2022, *Thornley v. LWSO* [Shannon Ragonesi]
- 14 • October 10-20, 2022, *Pavlovich v. City of Kent* [Shannon Ragonesi and Brian
- 15 Augenthaler]
- 16 • GAP
- 17 • November 14-24, 2022, *Hagen v. Mayer* [Shannon Ragonesi]
- 18 • GAP
- 19 • December 19-22, 2022, *Brunner v. Stevens Pass* [Brian Augenthaler]
- 20 • December 19-30, 2022, vacation [Shannon Ragonesi]
- 21 • GAP
- 22 • June 5-15, 2022, *Henry v. Pope* [Shannon Ragonesi]

3. **When will the parties be ready for trial:** Given the unavailability of counsel as

set forth in section 2, *supra*, the parties respectfully request a trial date of September 6, 2022, if it is available. The parties will be ready for trial.

4. **How long the trial will likely last:** 6-8 trial days.
5. **Any other issues that might affect case schedule:** The parties would prefer an in-person trial if that is possible at the time the case is tried. A Mandarin translator will be required throughout the trial, and the parties are concerned that Zoom will complicate that process and potentially lead to jury confusion. If that is not a possibility, the parties would prefer to try the case via Zoom as opposed to waiting for in-person to be a viable option.

DATED: January 27, 2022

KEATING, BUCKLIN & McCORMACK, INC., P.S.

By: /s/ Brian C. Augenthaler

Brian C. Augenthaler, WSBA #44022
Attorneys for Defendants

801 Second Avenue, Suite 1210
Seattle, WA 98104
Phone: (206) 623-8861
Fax: (206) 223-9423
Email: baugenthaler@kbmlawyers.com

LOEVY & LOEVY

/s/ David B. Owens

David B. Owens, WSBA #53856
311 N. Aberdeen St., 3rd Floor
Chicago, IL 60607
T: 312-243-5900
Email: david@loevy.com;

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorneys for Plaintiffs

David B. Owens, WSBA #53856
Loevy & Loevy
311 N. Aberdeen St., 3rd Floor
Chicago, IL 60607
T: 312-243-5900
Email: david@loevy.com; melisa@loevy.com;
melinda@loevy.com

Attorneys for Plaintiffs

Harry Williams IV, WSBA #41020
Law Office of Harry Williams LLC
707 E. Harrison
Seattle, WA 98102
T: 206-451-7195
Email: harry@harrywilliamslaw.com

Attorneys for Attorney for City of Issaquah

Rachel Turpin, WSBA #40007
MADRONA LAW GROUP PLLC
14205 SE 36th Street, Suite 100
Bellevue, WA 98006
Phone: 425-201-5111
Email: rachel@madronalaw.com

DATED: January 27, 2022

/s/ Brian C. Augenthaler

Brian C. Augenthaler, WSBA #44022
Attorneys for Defendants
801 Second Avenue, Suite 1210
Seattle, WA 98104
Phone: (206) 623-8861
Fax: (206) 223-9423
Email: baugenthaler@kbmlawyers.com